

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/728,268	INOUE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian E. Miller	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to Amendment filed on 12/4/03.
- ☒ The allowed claim(s) is/are 3, 6, 10 (renumbered as 1-3).
- ☒ The drawings filed on 04 December 2003 are accepted by the Examiner.
- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/858,759.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>12/4/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

Best Available Copy

Claims 3, 6, 10 are now pending.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- (a) claim 3, line 6, the word "disk-like" has been changed to --disk shaped--;
- (b) claim 6, line 6, the word "disk-like" has been changed to --disk shaped--;
- (c) claim 10, line 6, the word "disk-like" has been changed to --disk shaped--;
- (d) claim 3, line 10, the word "a" has been inserted between "closing portion";
- (e) claim 6, line 10, the word "a" has been inserted between "closing portion";
- (f) claim 10, line 10, the word "a" has been inserted between "closing portion".

\*These changes were made to be consistent with the changes made to the parent claim(s).

### REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: (as per claim 3) the prior art made of record considered as a whole neither shows, nor renders obvious the overall combination of at least a disk cartridge including lower, upper and middle shells; a pair of shutter members attached to the middle shell in such a manner that they can be moved in a flat surface

Art Unit: 2652

direction on the same plane; wherein the shutter opening and closing mechanism includes rotary coupling portions respectively provided on one side portions of the pair of shutter members and which are coupled to the middle shell so as to become freely rotatable and movement coupling portions respectively provided on the other side portions of the respective shutter members and which are coupled to the lower shell or the upper shell so as to become movable relatively and the shutter opening and closing mechanism opens and closes the opening portion by rotating the pair of shutter members around the rotary coupling members based on the rotation of the middle shell to thereby relatively move the movement coupling portions.

(As per claim 6) the prior art made of record considered as a whole neither shows, nor renders obvious the overall combination of at least a disk cartridge including lower, upper and middle shells; a pair of shutter members attached to the middle shell in such a manner that they can be moved in a flat surface direction on the same plane; wherein an elevation mechanism for moving the middle shell in the direction perpendicular to the rotation direction based on the rotation of the middle shell so that the middle shell is pressed against the lower shell or the upper shell.

(As per claim 10) the prior art made of record considered as a whole neither shows, nor renders obvious the overall combination of at least a disk cartridge including lower, upper and middle shells; a pair of shutter members attached to the middle shell in such a manner that they can be moved in a flat surface direction on the same plane; wherein a gear portion is provided on the outer peripheral surface of the middle shell over a predetermined range of the circumferential direction and an opening window from which a part of the gear portion is exposed is bored through the side surface of the upper shell and the lower shell.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **DRAWINGS**

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant (in the parent application): FIG. 27 should be labeled "PRIOR ART" as only which is old is shown. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/728,268

Page 5

Art Unit: 2652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2652**

Bem  
July 12, 2004

Best Available Copy